

#8  
01-03-02  
PATENT W

Atty. Docket No. BMID 9941 US

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**In re application of: Ada GOERLACH-GRAW, *et al.*

Application No.: 09/594,972

Group No.: 1641

Filed: June 15, 2000

Examiner: Bao-Thuy L. Nguyen

For: ELEMENT, METHOD AND KIT FOR THE DETERMINATION OF AN ANALYTE IN A LIQUID

Assistant Commissioner for Patents  
Washington, D.C. 20231**RESPONSE TO THE RESTRICTION REQUIREMENT OF JUNE 20, 2001**

Dear Madam or Sir:

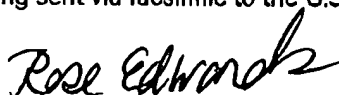
In response to the Restriction Requirement of June 20, 2001, Applicant elects Group I (claims 15-26) with traverse.

In paragraph two of the Restriction Requirement, the Examiner states that inventions I and II-IV are unrelated. Specifically, the Examiner states that the device of Group II is different from the device of Group I because it does not require a material that enables liquid transport between the zones. However, Applicant respectfully points out that the method claims of Group II and the device claims of Group I all contain the following limitation: "a material that enables liquid transport between the zones". Further, because the claims of Group II are directed to a method of using the device claimed in Group I, the claims of Group II do not appear to present an additional burden on the Examiner when searched along with Group I.

---

**CERTIFICATION OF FACSIMILE TRANSMISSION**

I hereby certify that the following paper is being sent via facsimile to the U.S. Patent and Trademark Office on December 14, 2001.

  
Rose Edwards

Likewise, since the claims of Group IV are directed to a kit which includes the device claimed in Group III, the claims of Group IV do not appear to present an additional burden on the Examiner when searched along with Group III.

Accordingly, it is respectfully requested that Examiner withdraw the restriction requirement in its entirety and examine all the claims in the pending application. In the alternative, Applicant requests that Examiner withdraw the restriction requirement as it applies to Groups I and II so that Groups I and II can be examined together in the pending application.

Respectfully submitted,



Brent A. Harris, Reg. No. 39,215  
Roche Diagnostics Corporation  
9115 Hague Road, Bldg. D  
Indianapolis, IN 46250-0457  
Telephone: (317) 521-3416

Date: December 13, 2001